

AMENDED IN ASSEMBLY JUNE 1, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2258

Introduced by Assembly Member Bass

February 18, 2010

~~An act to add Title 6.5 (commencing with Section 4950) to Part 3 of the Penal Code, relating to sentencing. An act relating to public safety.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2258, as amended, Bass. California Public Safety Commission. Existing law prescribes various penalties for criminal offenses.

This bill would express the intent of the Legislature to create the California Public Safety Commission, an independent, multijurisdictional body to work on issues related to the state's criminal justice system, as specified.

~~This bill would create the California Public Safety Commission, an independent, multijurisdictional body to provide a nonpartisan forum for statewide policy development, information development, research, and planning concerning criminal sentences and their effects. The bill would state legislative findings and declarations regarding criminal sentencing laws and policies. The bill would provide for the appointment of an executive director and for the designation of the commission's staff. The bill would provide that the commission's staff shall spend its first 3 years solely getting organized, creating procedures and partnerships, conducting research, and collecting data, as specified. The bill would require state agencies and departments to make their services, equipment, personnel, facilities, and information available to the~~

~~commission, as specified. The commission would be required to develop information systems to track, among other things, criminal cases entering the courts and sentencing patterns for the state as a whole and for geographic regions within the state.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to create the~~
2 ~~California Public Safety Commission, an independent,~~
3 ~~multijurisdictional body to work on issues related to the state's~~
4 ~~criminal justice system. The commission would address issues~~
5 ~~including, but not limited to, the state's sentencing structure and~~
6 ~~possible solutions to curtail the cycle of recidivism. The commission~~
7 ~~would review existing statutes, individual sentences, as well as~~
8 ~~rehabilitation and public safety policies and alternatives. The~~
9 ~~commission would also review policies and programs of other~~
10 ~~states relating to these issues.~~

11 ~~SECTION 1. Title 6.5 (commencing with Section 4950) is~~
12 ~~added to Part 3 of the Penal Code, to read:~~

13
14 ~~TITLE 6.5. CALIFORNIA PUBLIC SAFETY COMMISSION~~
15

16 ~~4950. (a) The Legislature hereby finds and declares all of the~~
17 ~~following:~~

18 ~~(1) There are more than 1,000 felony sentencing laws and more~~
19 ~~than 100 felony sentence enhancements across California codes.~~

20 ~~(2) States with sentencing commissions have reduced overall~~
21 ~~crime rates by increasing penalties for the most dangerous offenders~~
22 ~~and expanding options for community-based sanctions for certain~~
23 ~~low-level, nonviolent offenders.~~

24 ~~(3) California currently lacks a reliable and comprehensive~~
25 ~~system for collecting and analyzing data related to current and~~
26 ~~historical sentencing practices.~~

27 ~~(b) There is hereby established the California Public Safety~~
28 ~~Commission, an independent, multijurisdictional body, to provide~~
29 ~~a nonpartisan forum for statewide policy development, information~~
30 ~~development, research, and planning concerning criminal sentences~~
31 ~~and their effects.~~

1 ~~4955. In creating the California Public Safety Commission, it~~
2 ~~is the intent of the Legislature to enhance public safety, promote~~
3 ~~effective crime-reduction strategies, base California's sentencing~~
4 ~~practices on principles of fairness, justice, and accountability, and~~
5 ~~ensure that public resources and taxpayer dollars are expended in~~
6 ~~a way that most successfully protects the public from crime and~~
7 ~~reduces criminal recidivism.~~

8 ~~4960. (a) The Chief Justice of the California Supreme Court~~
9 ~~shall appoint an executive director who shall be exempt from civil~~
10 ~~service.~~

11 ~~(b) The administrative duties of the commission shall be~~
12 ~~conducted by commission staff physically sited in the~~
13 ~~Administrative Office of the Courts (AOC). All of the~~
14 ~~commission's decisions, analyses, recommendations, and other~~
15 ~~duties shall be independent of the AOC and shall not reflect any~~
16 ~~position of the AOC or be represented as those of the AOC.~~

17 ~~(c) For the purposes of expenditures for the support of the~~
18 ~~commission, including the expenses of the members of the~~
19 ~~commission, the commission shall be deemed to be within the~~
20 ~~judicial branch of state government, but the commission shall not~~
21 ~~be subject to the control or direction of any officer or employee~~
22 ~~of the judicial branch except in connection with the appropriation~~
23 ~~of funds approved by the Legislature.~~

24 ~~(d) The commission is a criminal justice agency within the~~
25 ~~meaning of Section 13101.~~

26 ~~4965. (a) The commission's staff shall spend its first three~~
27 ~~years solely getting organized, creating procedures and~~
28 ~~partnerships, conducting research, and collecting data.~~

29 ~~(b) In discharging its responsibilities under subdivision (a), the~~
30 ~~commission shall do the following:~~

31 ~~(1) Collect information on all correctional populations in the~~
32 ~~state.~~

33 ~~(2) Survey correctional resources across state and local~~
34 ~~governments.~~

35 ~~(3) Conduct research into crime rates, criminal cases entering~~
36 ~~the court system, sentences imposed and served for particular~~
37 ~~offenses, and sentencing patterns for the state as a whole and for~~
38 ~~geographic regions within the state.~~

39 ~~(4) Consult available research and data on the current~~
40 ~~effectiveness of sentences imposed and served.~~

~~(5) Study the experiences of other jurisdictions with sentencing commissions:~~

~~(6) Identify and prioritize areas where necessary data and research are lacking concerning the operation of the sentencing system, and recommend to the Legislature means by which the commission or other state agencies may be empowered to address those needs.~~

~~(c) The commission shall, on an ongoing basis, develop information systems to track criminal cases entering the court system; the effects of offense, offender, victim, and case-processing characteristics upon sentences imposed and served; sentencing patterns for the state as a whole and for geographic regions within the state; data on the incidence of and reasons for sentence revocations; and other matters found by the commission to have important bearing on the operation of the sentencing and corrections system.~~

~~4970. (a) (1) Upon request from the commission, each agency and department of state government shall make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the commission in the execution of its functions. Information that is privileged under state or federal law is exempted from this section.~~

~~(2) State agencies shall inform the commission if the information requested is not available. If the commission is informed by a state agency that information is not available, the commission may then request that information from a local law enforcement agency which may provide that information to the greatest extent practical.~~

~~(b) Upon request from the commission, state law enforcement agencies, including parole officers, shall supply arrest and criminal history records to the commission. County probation departments may provide copies of presentence reports to the commission, upon request.~~

~~(c) Any information obtained by the commission pursuant to this section is confidential, and shall be maintained in a manner that meets the highest standards of privacy and shall not be disclosed other than for the purpose for which it was acquired.~~

~~(d) The commission shall have the authority to enter partnerships or joint agreements with organizations and agencies from this and other jurisdictions, including academic departments, private~~

- 1 ~~associations, and other sentencing commissions, to perform~~
- 2 ~~research needed to carry out its duties.~~

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